

REMARKS

Claims 2, 8, 10, 12-18, and 20 are pending in this application, with claims 15, 17, and 20 being withdrawn from consideration. By this Amendment, claims 2, 8, 10, 12-14, 16, and 18 are amended and claims 1, 3-6, and 11 are canceled without prejudice to or disclaimer of the subject matter found therein. Claims 8, 10, 12-14, 16, and 18 are amended to depend from claim 2. Claim 2 is amended into independent form. No matter has been added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action as they simply address §112 issues; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In paragraph 6, on page 4 of the Office Action, the Office Action indicates that Applicants arguments filed on June 3, 2005 have been fully considered. However, the July 20, 2005 Office Action already indicated consideration of Applicants arguments filed June 3, 2005 (see paragraph 7, page 4 of the July 20, 2005 Office Action). In response to the July 20, 2005 Office Action, Applicants filed an Amendment on October 6, 2005, a date-stamped receipt is attached showing that the Patent Office did receive the October 6, 2005 Amendment. The current outstanding Office Action dated November 16, 2005, appears not to have fully considered Applicants' arguments filed in the October 6, 2005 Amendment. Although Applicants' representative discussed this matter with Examiner Hardee on December 9, 2005, it is respectfully requested that the Office Action expressly consider the October 6, 2005 Amendment as well as the arguments presented in this Amendment.

In paragraph 2, on page 2 of the Office Action, claims 1-6, 8, 10-14, 16, and 18 were rejected under 35 U.S.C. §112, second paragraph. Contrary to the Office Action assertion, the terms "phosphoric acid compounds" and "organophosphoric acid compounds" are not confusing or self contradictory, but are definite.

For example, an ortho-phosphoric acid is an acidic rust-preventive agent and is one of phosphoric acid compounds (page 7, lines 2-3). Also, for example, a phosphoric acid is an acidic rust-preventive agent and is one of organophosphoric acid compounds (page 7, lines 15-17). As shown in the table of Fig. 1, the coolant of Example 1 includes an ortho-phosphoric acid as part of the rust-preventive additives (page 6, lines 21-26). The coolant of Example 2, as shown in the table of Fig. 1, includes a phosphonoic acid as part of the rust-preventive additives (page 7, lines 13-17). Although the Patent Office may prefer language other than that used by Applicants, Applicants are entitled to be their own lexicographer and so long as the language is clear and unambiguous to one skilled in the art and enables such a person to produce the invention, the language must be accepted by the Patent Office.

Further, claim 2 is amended to clarify that the phosphoric acid compound and organophosphoric acid compound cannot be zero at the same moment.

Accordingly, claims 2, 8, 10, 12-14, 16, and 18 are definite. Thus, withdrawal of the rejections of the claims under 35 U.S.C. §112, second paragraph is respectfully requested. Regarding claims 1, 3-6, and 11, the cancellation of these claims makes the rejection moot.

In paragraphs 3-5, on page 3 of the Office Action, claims 11 and 13 were rejected under 35 U.S.C. §102(b) over JP 62-045681 ("JP '681"); claims 1-6, 8, 10, 11, 13, 14, 16, and 18 under 35 U.S.C. §102(b) over SU 899,635 ("SU '635"); and claims 1-6, 8, 10-14, 16, and 18 under 35 U.S.C. §102(b) over WO 98/40441 ("WO '441"). The rejections are respectfully traversed.

In particular amended claim 2 recites, "a coolant for fuel cells that is used to cool down fuel cells, comprising a base material that is a water solution mixture containing a glycol; and rust-preventive additives including an alkaline additive and an acidic additive, wherein the alkaline additive comprises at least one of triethanolamine, diethanolamine and monoethanolamine, wherein the acidic additive comprises at least one of a phosphoric acid compound at equal or more than 0% but less than 0.2% and an organophosphoric acid compound at more than 0% but less than 0.01%, or at least one of the phosphoric acid compound at more than 0% but less than 0.2% and an organophosphoric acid compound at equal or more than 0% but less than 0.01%." None of the applied references disclose or suggest these features.

JP '681 teaches a composition for cooling an engine by latent heat of vaporization of the coolant (Abstract). SU '635 teaches a stable liquid that cools and lubricates aluminum or alloy in an efficient manner (Abstract). WO '441 teaches a water-base ball-point ink with metallic sheen and filled directly into an ink reservoir for its use and includes 1-20% by weight of a metallic pigment, 0.1 to 1% by weight of a water-soluble polymeric agent, and water (Abstract).

However, the coolant in amended claim 2 includes, as a rust-preventive additive, an alkaline additive (e.g., ethanolamine series substance) and an acidic additive. The alkaline additive includes at least one of triethanolamine, diethanolamine and monoethanolamine, and the acidic additive includes at least one of a phosphoric acid compound at equal or more than 0% but less than 0.2% and an organophosphoric acid compound at more than 0% but less than 0.01%. As a result, a rust-preventive effect will be enhanced without increasing the ion level. Further, since the claimed rust-preventive additive does not affect the hydrogen ion concentration pH of the coolant, it is not necessary to add a pH adjuster to the coolant in attempt to keep the hydrogen ion concentration pH neutral. Also, as described in the

specification, for example, a low electric conductivity is preferred for a coolant used in a fuel cell because a fuel cell generates electricity and electricity losses must be prevented.

The coolants as disclosed in the applied references are, for example, coolants used in combustion engines and in water-base ball-point ink. Accordingly, the coolants of the applied references do not need to have a low electric conductivity because no electricity is generated by a combustion engine or a ball-point ink. Further, the coolants of the applied references are not coolants for fuel cells that is used to cool down fuel cells, as recited in claim 2. Thus, the coolants of the applied references do not disclose the features or achieve the results as Applicants' claimed invention.

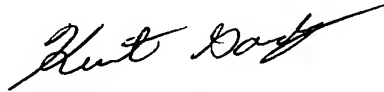
Thus, none of the applied references disclose each and every feature of Applicants' claimed invention as recited in claim 2 and the rejection under 35 U.S.C. §102 is inappropriate. Further, for the reasons discussed, none of the applied references suggest the features as recited in claim 2.

Because none of the applied references anticipate or suggest the recited features of claim 2, the applied references cannot possibly anticipate or suggest the subject matter of claims 8, 10, 12-14, 16, and 18, which depend from claim 2 for the reasons discussed with respect to claim 2 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn. Regarding claims 1, 3-6, and 11, the cancellation of these claims makes the rejection moot.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 2, 8, 10, 12-18, and 20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Date-stamped receipt of the October 6, 2005 Amendment.

Date: February 16, 2006

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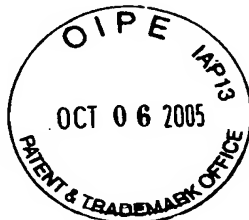
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